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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,421	03/29/1999	M. IBRAHIM SEZAN	KLR:7146.028	5722
47915	7590	05/17/2005	EXAMINER	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/280,421

Applicant(s)

SEZAN

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/26/2004, with respect to Hoddie have been fully considered but they are not persuasive. Applicant argues on page 17 that amended claims 31, 59 & 87 distinguish over Hoddie by claiming a file containing both an image representative of a picture composed of a plurality of pixels & additional information associated with the image and that a mechanism permits selection of graphical objects depicted by the picture by the pixels. Applicant asserts on page 18 that Hoddie does not describe a mechanism where the "hot spots" are defined as part of the image file itself, but are rather defined as a region superimposed on the image and accordingly is not part of the image itself stored in the file.

Examiner respectfully disagrees with applicant's assertion and points out that Hoddie discloses that the "hot button" may be embodied as a hidden button, for example corresponding to the "head of an individual or an open doorway", see col. 5, lines 6-15. Thus Hoddie clearly teaches that the "background" image itself (as opposed to an overlay image) may be the selectable region, (i.e., selectable object) and is a picture represented by a plurality of pixels, as recited in the claims.

Notwithstanding the above discussion, examiner points out that even if Hoddie was limited to the selection of objects represented by overlay or superimposed images, such a

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teaching would still read on the claims. The claims do not require any differentiation between a background and overlay images. Thus in Hoddie the hot button being displayed as a selectable region is itself a part of the image being displayed to the user, see Fig. 4. Col. 9, lines 5-20, discloses that the selectable region may be defined by a list that includes each point in the outline of the image, which clearly reads on the claimed “plurality of pixels” and “an object depicted by the picture by the pixels”.

Examiner further notes, applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last Office Action is taken as an admission of the fact(s) noticed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 & 15-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Wistendahl, (U.S. Pat # 5,708,845).

Considering amended claim 1, the claimed method for associating additional information with a video including a plurality of frames; comprising ‘identifying at least one of the frames

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representative of a picture composed of a plurality of pixels', is met by the disclosure of the video data in Wistendahl, col. 5, lines 45-50; col. 9, lines 61-67 thru col. 10, lines 1-30. Fig. 2; Fig. 5a & 5b.

'providing a descriptive stream separate from the video, including the additional information in the descriptive stream related to the at least one frame' is met by the disclosure of the N data in Wistendahl, which is disclosed as including the coordinate mapping data associated with the selectable images in the video, col. 6, lines 1-30; col. 7, lines 12-35 & col. 9, lines 15-35. Wistendahl teaches further that the N data is preferably separate from the video, which also reads on the claimed subject matter, col. 6, lines 7-21.

'providing the video for display on the display device is met by Wistendahl, Fig. 3 & col. 6, lines 60-67.

'selectively providing the additional information to a viewer approximately at the time of providing the video wherein the additional information is an object depicted by the picture by the pixels' is also met by the disclosure of Wistendahl, col. 5, lines 45-67; col. 13, lines 1-58.

Considering claim claims 2, 7, 16 & 28, Wistendahl, col. 5, lines 51-67; col. 6, lines 20-40; col. 9, lines 15-30 & col. 10, lines 1-15 meets the claimed subject matter.

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Considering claim 3, the descriptive information in Wistendahl, i.e., N data, identifies objects within a frame, col. 5, lines 21-35; col. 10, lines 16-45.

Considering claim 4-5, the descriptive stream in Wistendahl may be related to a plurality of frames, in a time sequential order, col. 10, lines 1-50& col. 11, lines 25-65.

Considering claim 6, the recited non-sequential frame reads on the user in Wistendahl selecting a particular object in a frame, and later selecting a different object in a different frame sequence.

Considering claim 8, the claimed index reads on the N data of Wistendahl, Fig. 2 & col. 5, lines 61-67, disclosed as an array of location coordinates.

Considering claim 9, the claimed feature of copyright information is broad enough to read on the operation of Wistendahl, which teaches that associated data may include links to commercially broadcast movies, (such as The Maltese Falcon), which are copyright material, see col. 7, lines 48-65.

Considering claims 10-11, see Wistendahl, col. 12, lines 51-58.

Considering claim 12, Wistendahl teaches the use of MPEG-2 video broadcasts, col. 10, lines 58-67 and is generally directed to TV broadcasts.

Considering claim 15, the claimed visual indication of a hot-spot reads on the outline of the selectable objects shown in Fig. 2 of Wistendahl.

Considering claims 17 & 29, the associated data in Wistendahl may include video, which also includes audio.

Considering claims 18 & 30, Wistendahl discusses how the hot-spot changes as the video progresses, which reads on a motion model, col. 10, lines 28-67 & col. 11, lines 25-60.

Considering claim 19, the claimed subject matter reads on Wistendahl, col. 13, lines 50-60.

Considering claim 20, the claimed program instructions read on IDM program included in the N data of Wistendahl, col. 6, lines 15-45

Considering claim 21, the claimed elements of a video system corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated. Wistendahl (Fig. 3) disclose the claimed encoder and receiver, col. 6, lines 55-67.

The additionally claimed trigger mechanism reads on the operation of the N data and IDM program, disclosed in Wistendahl, col. 6, lines 1-40 & col. 8, lines 38-67.

Considering claims 22-23, see Wistendahl Fig. 1 & Fig. 3.

Considering claims 24-25, the claimed subject matter reads on the user in Wistendahl interactively selecting a hot-spot using a remote control 36, which is taught by the reference, col. 7, lines 35-55.

Considering claims 26-27, the recited feature corresponds with subject matter mentioned above in the analysis of claims 3, 19 & 20, and are thus likewise treated.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 31-34, 36-37, 41, 44-45, 48, 54, 58-62, 64-65, 69, 72-73, 76, 82, 86-90, 92-93, 97, 100-101, 104, 110 & 114 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoddie, (U.S. Pat # 5,727,141).

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Considering amended claims 31, 59 & 87, the claimed system or method for presenting information and method for creating an image file is met by the disclosure of Hoddie. In particular, the claimed unitary file containing both an image representative of a picture composed of a plurality of pixels and additional data associated with the image is met by movie file shown in Fig. 2, which includes a video track 205, audio track 210 and container track 215, col. 6, lines 59-67. The amended claimed image representative of a picture composed of a plurality of pixels reads on the discussion in Hoddie (col. 5, lines 5-14) that a hidden button may correspond to the head of an individual or a doorway, i.e., any object on the screen.

The claimed selection mechanism that permits the selection of graphical objects depicted by the picture by the pixels, again reads on the teaching of the hidden button being composed of a image on the screen, in the image in order to retrieve the additional information. Furthermore Hoddie teaches that the selectable region may be defined by a list of points (i.e., pixels) that outline an image on the screen, col. 9, lines 15-21. Thus the amended claimed presentation mechanism that provides the additional information to the viewer in response to selecting the object depicted by the picture by the piles is also is met by Hoddie, col. 1, lines 41-64; col. 2, lines 22-42 & col. 17, lines 25-31.

Considering claims 32, 60 & 88, see Fig. 2 & col. 6, lines 58-60, wherein the movie file is comprised of video data and control information necessary to identify the location of one or more user selectable regions, i.e. objects on the display device.

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Considering claims 33-34, 61-62 & 89-90, the separation of the image and the additional information reads on the disclosure that video data is in the video track 205 and the additional information is in the container track 215.

Considering claims 36-37, 64-65 & 92-93, col. 9, lines 11-30 meets the claimed feature of a first layer of additional information describing the location of objects within an image. As for the further claimed feature of a second layer containing the additional information regarding the objects, Hoddie is directed to viewers receiving additional information upon selection of hot buttons. Thus the reference reads on the claimed subject matter.

Regarding the recitation of the first layer containing fewer bytes than the second layer, Hoddie discloses that the additional information may for example be a menu driven help routine with multiple headings and pages, col. 1, lines 41-51. Therefore it follows that the location information defining a hot button would not require as many bytes as a multiple page help menu.

Considering claims 41, 69 & 97, see Hoddie col. 9, lines 11-16.

Considering claims 44-45, 72-73 & 100-101, Hoddie teaches a more detailed definition of the object, which would inherently contain more bytes than the first definition, since it includes more data points; see col. 9, lines 16-21.

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Considering claims 48, 76 & 104, the claimed textual annotations read on the help menu, col. 1, lines 41-51 & col. 17, lines 29-32.

Considering claims 54, 82 & 110, Hoddie discusses overlaying images, col. 11, lines 22-45.

Considering claims 58, 86 & 114, the recitation of information regarding how an image should be viewed is broad enough to read on different shapes of a button, such rectangular, square or circle, col. 5, lines 1-15.

Claim Rejections – 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl.

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Considering claim 13, the references do not discuss providing additional information on a remote control. Official Notice is taken that at the time the invention was made, it was known in the art to provide subscribers with additional information via an LCD type display on a remote control. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Wistendahl to provide messages on a remote control, at least for the desirable improvement of ensuring that the viewer is informed of interactive options.

Considering claim 14, Official Notice is taken that at the time the invention was made, providing subscribers with an audible tone to indicate a message is available was old in the art, particularly being used in when receiving emergency broadcast information. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Wistendahl with the well known technique of an audible tone to indicate reception of information, at least for the known benefit of informing the subscriber, even when the instant subscriber is not actually looking at the TV screen.

8. Claims 35, 38-40, 42-43, 46-47, 49-53, 55-57, 63, 66-68, 70-71, 74-75, 77-81, 83-85, 91, 94-96, 98-99, 102-103, 105-109, 111-113 & 115-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoddie.

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Considering claims 35, 63 & 91, Hoddie does not discuss the use of JPEG images.

Official Notice is taken that at the time the invention was made, JPEG was well known in the art.

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie using JPEG images at least for the desirable benefit of a more standard image display format, thereby being operable in more display systems.

Considering claims 38-40, 42-43, 66-68, 70-71, 94-96 & 98-99, Official Notice is taken that at the time the invention was made, it was known in the art to provide a wide range of parameters regarding objects to be displayed. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie in a manner wherein particular parameters related to objects to be displayed are stored in the system, at least for the known benefit of more efficiently processing the objects.

Considering claims 46-47, 49-51, 74-75, 77-79, 102-103 & 105-107, Hoddie does not discuss the use of sound files, HTML pages, JAVA or color histograms, Official Notice is taken that at the time the invention was made, it was well known to associate sound, HTML, JAVA and color with multimedia files. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hoddie with the well features of sound, HTML, JAVA and color at least for the desirable advantage of a more user friendly and efficient interactive system.

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Considering claims 52-53, 80-81 & 108-109, Official Notice is taken that at the time the invention was made, it was well known to maintain parameters regarding the specifics of a particular image capture procedure, and optimal image reproduction values. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hoddie to include image capture parameters and optimal reproduction values, at least for the improvement of a more aesthetically pleasing image display.

Considering claims 55-57, 83-85 & 111-113, Official Notice is taken that at the time the invention was made, maintaining the authorship & copyright status of documents, particularly those used by the general public, was well known. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie to maintain the authorship & copyright status of images being used in the system, at least for the desirable purpose of avoiding any potential licensing issues.

Considering claims 115-117, Hoddie does not discuss the transmission of data between computer systems. Official Notice is taken that at the time the invention was made, computer-to-computer transmission was very well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie transmitting the video and data files between computers, including upon request, at least for the desirable advantage of providing the material to wider audience of users.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Astiz Teaches a system for maintaining a file that comprises the location of selectable objects in a video stream.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:


(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


CHRIS GRANT
PRIMARY EXAMINER